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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,154	01/14/2004	Saul Le-Garcia Rodolfo	D0932-00416	5769

8933 7590 06/08/2006

DUANE MORRIS, LLP
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103-4196

EXAMINER

KATCHEVES, BASIL S

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/758,154

Applicant(s)

RODOLOFO ET AL.

Examiner

Tiara S. Robertson

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/14/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-12, 15-17 and 19-27 is/are rejected.
- 7) ☒ Claim(s) 9, 13, 14, 18 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/14/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Attached Drawings (2).

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-8, 10-12, 15, 17-21 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,421,964 to Schiedegger et al. (See attached drawings).

Regarding claims 1 and 27, Schiedegger et al. discloses, in figs. 3 and 13, a trim accessory comprising: a soffit receiver component (28); a siding accessory receiver component (26) integral with the soffit receiver component, and substantially hidden from view at least when the trim accessory is installed on a building and a soffit and siding accessory are received into the corresponding soffit receiver component and siding accessory receiver component (16 and 13 on fig. 2).

Regarding claim 3, Schiedegger et al. discloses a trim accessory, as described in claim 1, further comprising an aesthetic component located intermediate the soffit and siding receiver component (70 on fig. 3).

Regarding claims 4-5, Schiedegger et al. discloses a trim accessory, as described in claim 1, where the soffit receiver component includes and attachment edge portion, a bottom portion and a connecting portion, and where the siding receiver component includes back edge portion, a front portion and a connecting portion; where the connecting portion of the siding accessory receiver component includes vent apertures.

Regarding claims 6-7, Schiedegger et al. discloses a trim accessory, as described in claim 1, further comprising a vent component (24 on fig. 3) connected to the soffit receiver component and located intermediate the soffit receiver component and the siding receiver component, the vent component includes vent apertures (48 on fig. 3); where a first end of the vent component is directly connect to the soffit receiver component and where a second end of the vent component is directly connected to the siding accessory receiver component (see fig. 3).

Regarding claims 8, 10-11 and 15, Schiedegger et al. discloses a trim accessory, comprising: a soffit receiver component having an attachment edge portion, a bottom portion and a connecting portion, said attachment edge portion, bottom portion and connecting defining a soffit receiving channel, and a siding accessory receiver component integral with the soffit receiver component and having a back edge portion, a front portion and a connecting portion, said back edge portion, front portion and connecting portion defining a siding accessory receiving channel, where the connecting portion of the siding receiver component includes

vent apertures; and further comprising a vent component connected to the soffit receiver component and located intermediate the soffit receiver component and the siding receiver component, the vent component including vent apertures (48 on fig. 3); where a first end of the vent component is directly connect to the soffit receiver component and where a second end of the vent component is directly connected to the siding accessory receiver component (see fig. 3), and where the trim accessory is a one-piece plastic extruded article..

Regarding claim 12, Schiedegger et al. discloses a trim accessory, as described in claim 10, further comprising an aesthetic component located intermediate the soffit receiver component and the siding receiver component.

Regarding claim 17-21, Schiedegger et al. discloses a trim system comprising a trim accessory having a soffit receiver component defining a soffit receiving channel, a siding accessory receiver component defining a siding accessory receiving channel, the siding accessory receiver component integral with the soffit receiver component, and vent apertures disposed through the trim accessory which are capable of being substantially hidden from view at least when the trim accessory is installed on a building; a soffit panel received into the soffit receiving channel of the soffit receiver component; and a siding accessory received into the siding accessory receiving channel of the siding accessory receiver component. Where the trim system further comprises a vent component connected to the soffit receiver component and located intermediate the soffit receiver component and the siding receiver component, the vent component

including vent apertures; a crown molding aesthetic component positioned intermediate the soffit and siding receiver component (Col 8, lines 11-18 and fig. 13).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schiedegger et al. in view of Bachman (5,836,113).

Regarding claim 2, Schiedegger et al. discloses a trim accessory as described in claim 1, where the trim accessory is extruded from a plastic (col. 3, lines 39-42) Schiedegger et al. does not specifically state that the extruded thermoplastic is polyvinylchloride (PVC). Bachman discloses a bracket system for securing soffit and siding panels comprised of PVC (Col. 4, lines 60-63). One would have been motivated to make such a modification, to provide a cheap, easy to assemble, and durable plastic to construct the trim accessory of.

5. Claims 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiedegger et al.

Regarding claims 22-25, Schiedegger et al. teaches the basic disclosed method of installing a trim system comprising: providing a trim accessory having a soffit

and siding receiver component, and vent apertures, installing the trim accessory on the exterior surface of the building such that the vent apertures are hidden from the view of an observer located beneath the trim accessory; and further comprising installing soffit and siding panels into the soffit and siding receiver components which include receiving channels. Although Schiedegger et al. does not specifically disclose the claimed method, based on the patented invention, it would be inherent to one having ordinary skill in the art to use the method as claimed to install the trim system of Schiedegger et al.

Regarding claim 26, Schiedegger et al. teaches the basic disclosed method of installing a trim system comprising: providing a trim accessory having a soffit and siding receiver component, and a vent component, where one or more of the soffit receiver component, siding accessory receiver component or vent component includes vent apertures, and installing the trim accessory on the exterior surface of the building such that the vent apertures are hidden from the view of an observer located beneath the trim accessory.

Allowable Subject Matter

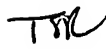
6. Claims 9, 13-14, 16 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

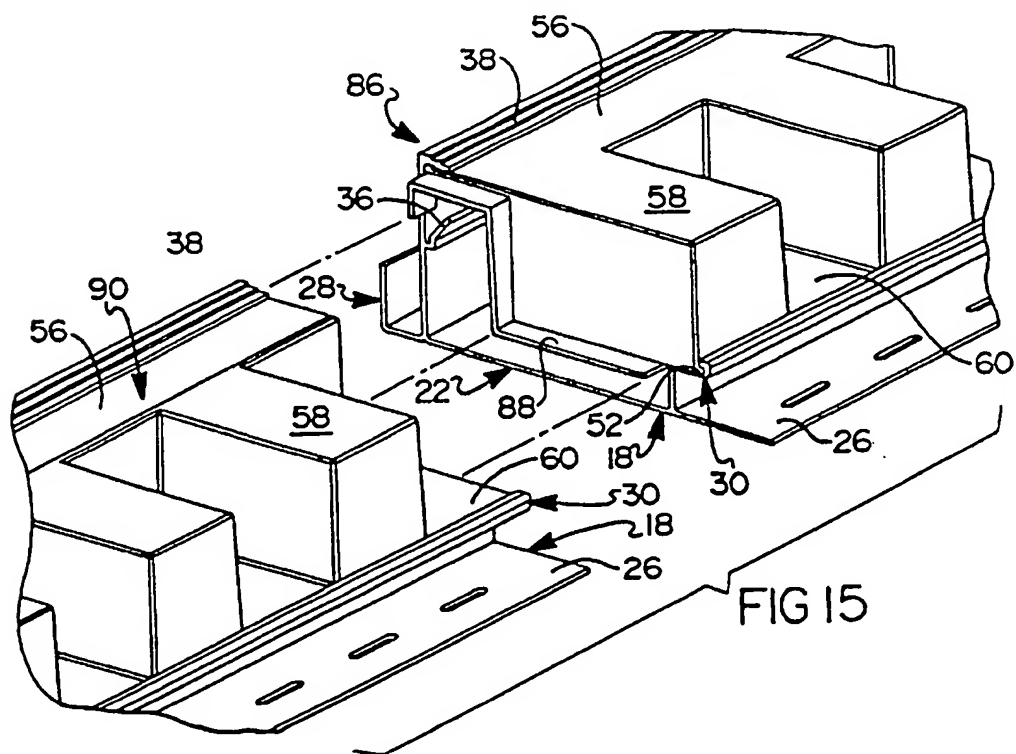
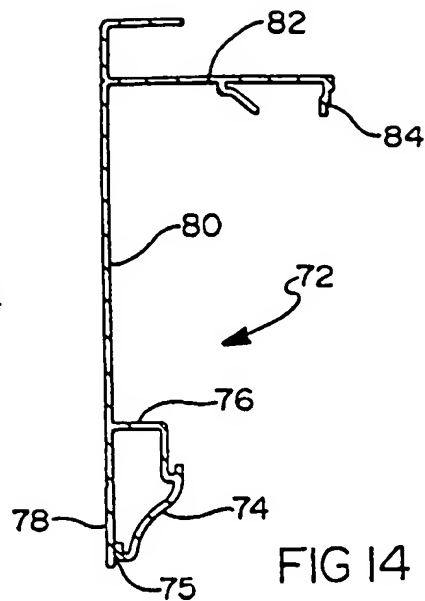
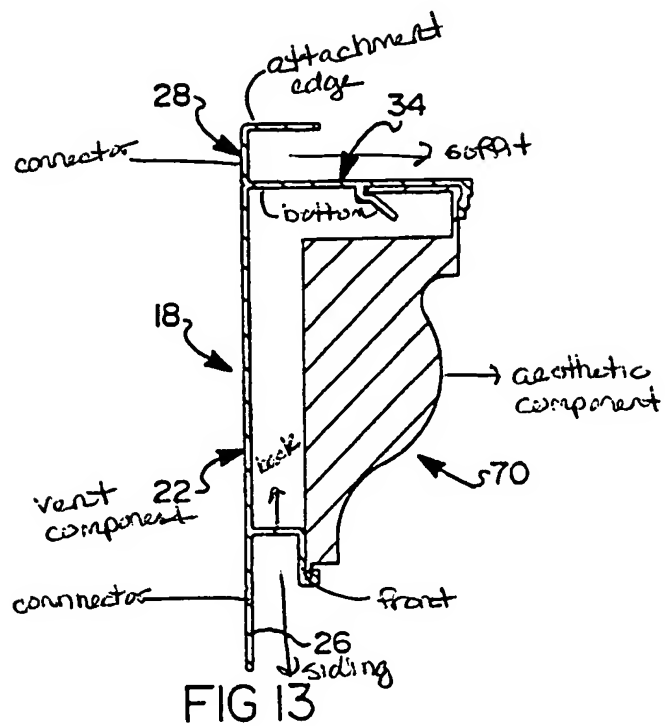
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiara S. Robertson whose telephone number is 571-272-2944. The examiner can normally be reached on Monday-Thursday, 7-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TSR
5/11/2006


Carl D. Friedman
Supervisory Patent Examiner
Group 3600



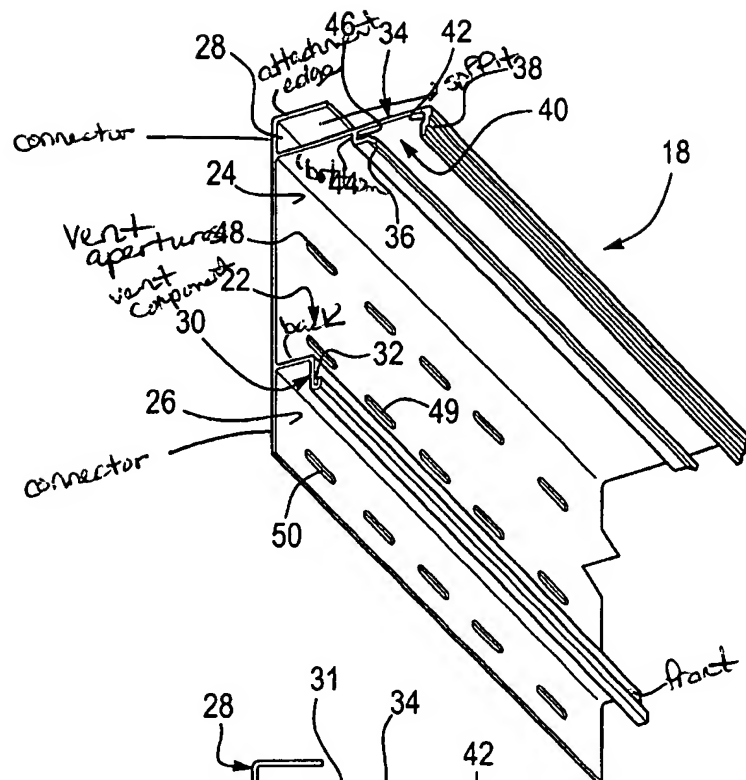


FIG-3

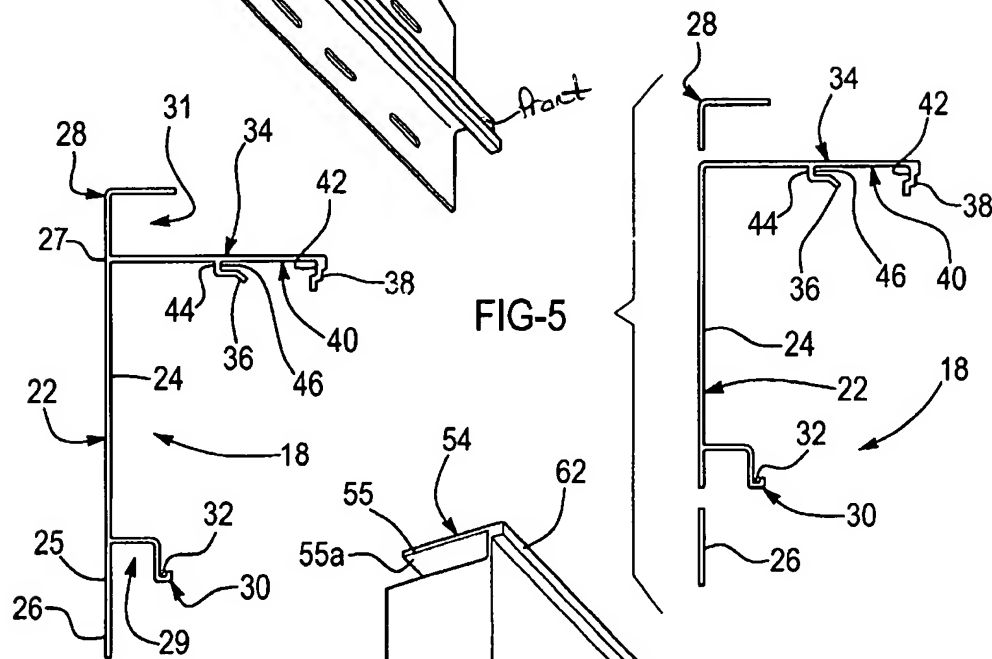


FIG-5

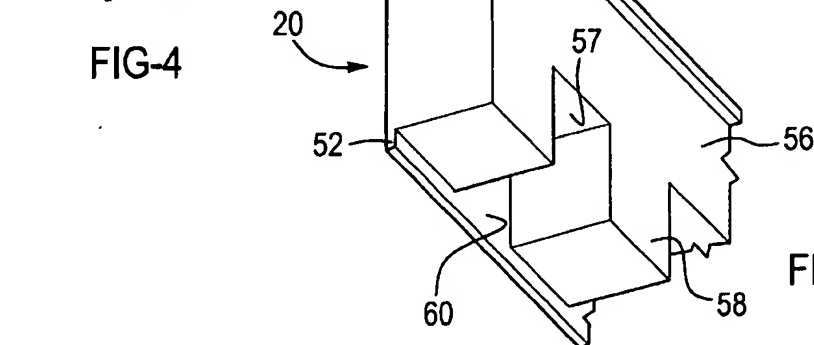


FIG-6